

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following arguments is respectfully requested.

Applicant appreciates the notification by the Examiner that the drawings have been approved by the official draftsman.

The specification is objected to because the table on page 5 was not correctly labeled. As mentioned previously, Applicant has prepared a substitute specification. In this substitute specification, "Table A" has been replaced with "Table 1".

The present application is a continuation of U.S. Application No. 09/993,456. Applicants herewith enclose a copy of the revised Plant Patent Application Declaration that was filed in the parent application (U.S. Application No. 09/993,456). This Declaration provides the Residence and Citizenship of the inventor, Andre Smaal. Applicant would like this Declaration included in the file wrapper of the present application.

102(b)/Requirement for Information Under 37 C.F.R. Section 1.105

The Examiner has requested that the Applicant and the assignee of the above-identified application provide certain information under 37 C.F.R. Section 1.105.

The inventor, Andre Smaal, has represented to the licensee of the above-identified application who has represented to the undersigned attorney, that plants of the Kalanchoe variety named 'Pellinore' were first introduced for sale in Japan in January 2001. Applicant would also like to advise the Examiner that a Plant Breeder's Rights application for the Kalanchoe variety named 'Pellinore' was filed in the Netherlands on March 6, 1997 and the application number is ELN0271 and it was published on April 16, 1998. An European Plant Breeders Rights application was also filed for this variety on February 8, 1999 and the application number is 19990172. Applicant herewith encloses documents from the Netherlands indicating that the Dutch PBR application for the Kalanchoe variety named 'Pellinore' was accepted on August 5, 1998 (The Examiner will note that these documents are in Dutch). The Examiner is requested to contact the undersigned attorney if she has any questions whatsoever regarding this variety or has any additional questions.

Objection to the Disclosure

The disclosure is objected to under 37 C.F.R. Section 1.163(a) and under 35 U.S.C. Section 112, first paragraph, as providing less than a full, clear and complete botanical description of the plant and the characteristics that define the

plant *per se* and which distinguish the plant from related known cultivars and antecedents. More specifically, the Examiner raised the following issues:

- A. The Examiner stated that 37 C.F.R. 1.52(b) requires that the pages of the specification including the claims and abstract be numbered consecutively. Applicant herewith encloses a substitute specification in which the pages are numbered consecutively.
- B. The Examiner stated that Applicant should disclose the internode length. Applicant has amended the specification to include this information.
- C. The Examiner stated that Applicant should disclose the petiole diameter. Applicant has amended the specification to include this information.

In view of these amendments to the disclosure, Applicant submits that the objection under 37 C.F.R. Section 1.163(a) and 35 U.S.C. Section 112, first paragraph, should be withdrawn.

Claim Rejection

Claim 1 is rejected under 35 U.S.C. Section 112, first and second paragraphs, as not being supported by a clear and complete botanical description of the plant for the reasons set forth in the Objection to the Disclosure Section.

Applicant herewith incorporates by reference the arguments made above. Therefore, in view of the above described amendments to the disclosure, Applicant submits that this rejection should now be withdrawn.

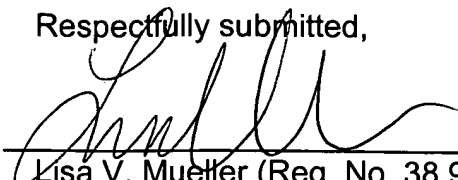
Conclusion

In view of the aforementioned amendments and arguments, Applicant submits that the claim is now in condition for allowance.

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account number 23-0785.

Respectfully submitted,

By:



Lisa V. Mueller (Reg. No. 38,978)
Attorney for Applicant

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 MADISON STREET
SUITE 3800
CHICAGO, IL 60661
(312)-876-1800

CERTIFICATE OF MAILING

I hereby certify that this amendment and any other documents referred to as enclosed herein are being deposited in an envelope with the United States Postal Service "First Class Mail Post Office Addressee" service under 37 C.F.R. 1.10 on the date indicated below and addressed to: Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450 on April 21, 2004.

